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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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MAY 18 2005

In the Matter of

Federal Communications Commission  
Office of Secretary

Amendment of Section 73.202(b) )  
Table of Allotments ) MB Docket No. 05-17  
FM Broadcast Stations ) RM-11113  
(Connersville, Madison, and Richmond, ) ~~REDOCKET~~ FILE COPY ORIGINAL  
Indiana, Erlanger, Lebanon, Lebanon Junction, )  
New Haven, and Springfield, Kentucky, )  
and Norwood, Ohio) )

To: Office of the Secretary  
Attn: Assistant Chief, Media Bureau

**MOTION TO STRIKE**

Rodgers Broadcasting Corporation ("RBC"), licensee of Station WIFE(FM), Connersville, Indiana, by its counsel, hereby moves to strike (i) the pleading filed in this proceeding on or about May 1, 2005 by Indiana Community Radio Corporation ("ICRC") and Hoosier Public Radio Corporation ("HPR");<sup>1</sup> and (ii) the letter filed in this proceeding on April 15, 2005 by Martin Hensley. Neither pleading is authorized, and both are untimely.

1. The Commission's Rules provide that a time will be provided for the submission of comments and reply comments on a notice of proposed rule making. 47 C.F.R. § 1.415(b)-(c). "No additional comments may be filed unless specifically requested or authorized by the Commission." 47 C.F.R. § 1.415(h). The two pleadings both contain material addressed to the merits of the proceeding. The Commission did not request or authorize either pleading. Both were filed after the deadline for filing comments and reply comments in this proceeding.

<sup>1</sup> The pleading is titled "Opposition to Removal of ICRC Proposal from Rule Making Proceeding, Opposition to Request to Sever or Request to Specify Severability Form, Informal Comments, Motion to Correct Errors, Motion to Strike Rodgers Filings as Defective." It is undated, but it is certain that it was filed after the close of the comment and reply comment period in this proceeding, which were March 21, 2005 and April 5, 2005, respectively. See *Notice of Proposed Rule Making* (DA 05-74, rel. Jan. 28, 2005).

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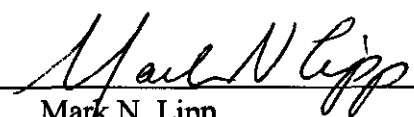
Accordingly, both pleadings should be stricken as untimely. *See, e.g., Rockport, Texas, et al.*, 4 FCC Rcd 8075 (1989); *Caliente, Nevada et al.*, 20 FCC Rcd 893 (2004).

2. Specifically, the ICRC-HPR pleading offers a "Reply to Rodgers Opposition (Reply) Comments" as well as other further arguments that are clearly unauthorized attempts to supplement the record. The Hensley letter likewise contains supplementary material. While the ICRC-HPR pleading purports to contain a "Motion to Correct Errors" and a "Motion to Strike Rodgers Filings as Defective" neither motion is proper. The pleading does not discuss any errors nor move for any corrections. The discussion of Rodgers' pleadings, while entitled a "motion," is actually a discussion of the merits of Rodgers' timely filings in this proceeding. Moreover, ICRC-HPR's complaint that they were not "timely" served is erroneous and immaterial. It is erroneous because ICRC and HPR were served on the date and by the method set forth in Rodgers' certificate of service. It is immaterial because ICRC-HPR have no further opportunity for comment in this proceeding unless requested by the Commission.

WHEREFORE, for the foregoing reasons, the HPR-ICRC pleading and the Hensley letter should be stricken from the record of this proceeding.

Respectfully Submitted,

RODGERS BROADCASTING CORPORATION

By: 

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Its Counsel

May 18, 2005

**CERTIFICATE OF SERVICE**

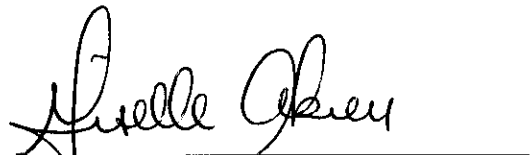
I, Giselle Abreu, of the law firm of Vinson & Elkins, do hereby certify that on this 18th day of May, 2005, I caused a copy of the foregoing "Reply Comments and Request to Sever" to be sent via first-class mail, postage prepaid, to the following:

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Giselle Abreu